

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ZDISLAW LESNY,)	
)	
Plaintiffs,)	Case No.
)	
v.)	Judge
)	
)	Magistrate Judge
P.O. MICHAEL KEFFE #8436,)	
P.O. SEAN DAILEY #10890, and)	Jury Demand
P.O. WILLIAM MORIARTY #6316,)	
individually, and the CITY OF)	
CHICAGO)	
)	
Defendants.)	

COMPLAINT

Now Come the Plaintiff, Zdislaw Lesny, by and through his attorneys, Gregory E. Kulis & Associates, Ltd., and complaining against the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, individually, and the City of Chicago, as follows:

COUNT I – EXCESSIVE FORCE

1. This action is brought pursuant to the laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois, to redress deprivations of the Civil Rights of the Plaintiff, Zdislaw Lesny, accomplished by acts and/or omissions of the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, P.O. William Moriarty, and the City of Chicago, committed under color of law.

2. Jurisdiction is based on Title 28 U.S.C. §1343 and §1331 and supplemental jurisdiction of the State of Illinois.

3. The Plaintiff, Zdislaw Lesny, was at all relevant times a United States citizen and resident of the State of Illinois.

4. At all relevant times, the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, were a duly appointed Chicago police officers acting within their scope of employment and under color of law.

5. On or about September 16, 2009, the Plaintiff, Zdislaw Lesny, was at his home at 4520 North Meade Avenue in Chicago, Illinois.

6. The Plaintiff, Zdislaw Lesny, was approached by the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, who asked if he lived there.

7. The Plaintiff, Zdislaw Lesny, was not committing a crime or breaking any laws.

8. The Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, physically attacked the Plaintiff, Zdislaw Lesny, and threw him to the ground.

9. Said use of force was unprovoked.

10. Said use of force was excessive and unreasonable.

11. The Plaintiff, Zdislaw Lesny, was injured.

12. At all relevant times, the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, were acting pursuant to the customs and policies of the Chicago Police Department.

13. The actions of the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, were intentional, willful and with malice.

14. Said actions of the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, violated the Plaintiff, Zdislaw Lesny's, Fourth and

Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

15. As a direct and proximate consequence of said conduct of the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, the Plaintiff, Zdislaw Lesny, suffered violations of his constitutional rights, emotional anxiety, fear, humiliation, monetary loss, pain and suffering.

Wherefore, the Plaintiff, Zdislaw Lesny, prays for judgment in his favor and against the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, in an amount in excess of Twenty Thousand Dollars and 00/100 (\$20,000.00) in compensatory damages and Ten Thousand Dollars and 00/100 (\$10,000.00) in punitive damages, plus attorneys' fees and costs.

COUNT II – FAILURE TO PROVIDE MEDICAL CARE

1-12. The Plaintiff, Zdislaw Lesny, hereby realleges and incorporates his allegations of paragraphs 1-12 of Count I as his respective allegations of paragraphs 1-12 of Count II as though fully set forth herein.

13. The Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, took the Plaintiff, Zdislaw Lesny, into custody and handcuffed him.

14. Though it was clear that the Plaintiff, Zdislaw Lesny, was injured, the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, allowed him to lay bleeding from the eye and complaining about the handcuffs being too tight for over an hour.

15. As a direct and proximate consequence of said conduct of Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, the Plaintiff,

Zdislaw Lesny, suffered emotional anxiety, fear, humiliation, monetary damage, pain and suffering, and future pain and suffering.

16. The Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, failed to provide medical care for over an hour.

17. At all relevant times, the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, were acting pursuant to the customs and policies of the Chicago Police Department.

18. The actions of the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, were intentional, willful and with malice.

19. Said actions of the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, violated the Plaintiff, Zdislaw Lesny's, Fourth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

20. As a direct and proximate consequence of said conduct of the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, the Plaintiff, Zdislaw Lesny, suffered violations of his constitutional rights, emotional anxiety, fear, humiliation, monetary loss, pain and suffering.

Wherefore, the Plaintiff, Zdislaw Lesny, prays for judgment in his favor and against the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, in an amount in excess of Twenty Thousand Dollars and 00/100 (\$20,000.00) in compensatory damages and Ten Thousand Dollars and 00/100 (\$10,000.00) in punitive damages, plus costs.

COUNT III – INDEMNIFICATION

1-31. The Plaintiff, Zdislaw Lesny, hereby realleges and incorporates his allegations of paragraphs 1-15 of Count I and 1-16 of Count II as his respective allegations of paragraphs 1-31 of Count III as though fully set forth herein.

32. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

33. The Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, are or were employees of the City of Chicago Police Department, who acted within the scope of their employment in committing the misconduct described herein.

Wherefore, should the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, and P.O. William Moriarty, be found liable for any of the acts alleged above, the Defendant, City of Chicago, would be liable to pay the Plaintiff, Zdislaw Lesny, any judgment obtained against the Defendants, P.O. Michael Keffe #8436, P.O. Sean Dailey #10890, P.O. William Moriarty.

JURY DEMAND

The Plaintiff, Zdislaw Lesny, hereby request a trial by jury.

Respectfully submitted,

Zdislaw Lesny

/s/Gregory E. Kulis
Gregory E. Kulis & Associates, Ltd.

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